

REMARKS

Summary of the Office Action

The objection to the declaration has been held in abeyance.

Claims 1-3, 7-10 and 14-18 stand rejected under 35 U.S.C. §102(a) as being anticipated by McFarland (U.S. Patent No. 6,154,753).

Claims 4-6, 11-13 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McFarland in view of Ivanov (U.S. Patent No. 5,706,452).

Amendments to the Claims

Claim 1 has been amended to correct a minor typographical error.

The Current Claims Distinguish Patentably over the References

Notably, claim 1 calls for determining if an audited activity produces a finding, and “automatically transmitting, via the network, a notification of the finding from the auditing entity to the organization.” McFarland teaches no such transmitting of the claimed finding.

According to MPEP §2131, to anticipate a claim under 35 U.S.C. §102, “the reference must teach **every element** of the claim” and “the **elements must be arranged as required** by the claim.” [Emphasis added and citations omitted]. McFarland does not teach all of the elements arranged as claimed. The Office Action alleges that the audit management module **20** of McFarland discloses the claimed step of determining if an audited activity produces a finding, citing to FIGURE 7, and column 10, lines 34-42. For the claimed step of automatically transmitting a notification of the finding, the Office Action alleges that this element is taught at column 16, lines 2-5. However, the passage (column 16, lines 2-5) teaches nothing about transmitting any findings produced by an audit activity. Rather, the cited text refers to sending e-mail notifications of tasks and action item assignments that are produced and/or supported as part of a “meetings and reports module,” i.e., element **14**. See, e.g., FIGURE 5, elements **14** and **136**. Additionally, this passage of text falls under the heading “Meeting and Report Records Management.” Column 15, lines 43 and 44. Accordingly, the alleged “sending of a notification” does not teaching or disclose sending a notification of a determined finding as claimed. Significantly, nowhere is it taught that sending an automatic finding notification is part of, or performed by, the audit management module

20. Specifically, this element does not appear in FIGURE 7 (box **150**) nor does it appear under the heading “Audit Management” (column 23, line 65). The cited text at column 15, lines 2-5 simply has nothing to do with the audit management module **20** or the audit management database or the audit management functions disclosed in McFarland. The cited passage surely does not teach sending a notification of a finding produced by the module **20**.

The Office Action is taking unrelated passages out of context from various diverse parts of the McFarland reference and recombining them in an attempt to read on the claimed invention. This reading of the reference is inappropriate and/or improper. The reference simply does not contemplate such a random reconstruction. Moreover, according to MPEP §2131, in order for the claim to be anticipated, the reference must teach the elements arranged as claimed. In this case, McFarland does not teach the elements arranged as claimed. Rather, the Office Action impermissibly rearranges the elements in hindsight to read on the claim. McFarland simply does not teach transmitting a notification of the claimed finding in the manner claimed.

Accordingly, it is submitted that claim 1 defines patentably over the prior art, along with claims 2-7 depending therefrom.

Claim 8 recites “an auditing entity auditing the activity, if the audited activity produces a finding, the finding being documented within the database, said find representing a deficiency in the audited activity such that an action is mandated to be taken by the organization to correct the deficiency, and a notification of the finding being transmitted, via the network, from the auditing entity to the organization.” Claim 8 also stands rejected in similar fashion to claim 1. However, as already discussed above, the audit management module **20** is not involved with the notification sending referred to at column 6, lines 2-5. McFarland simply does not teach transmitting a notification of the finding as claimed.

Accordingly, it is submitted that claim 8 defines patentably over the prior art, along with claims 9-14 depending therefrom.

Additionally, claim 17 calls for reporting a finding and/or observation to a predetermined group, and claim 19 calls for sending a notification of a finding from the auditor to the client. McFarland does not teach or disclose the claimed reporting or notification sending. The only notification reporting or sending cited to in the Office Action is with reference to column 6, lines 2-5. However, this passage does not teach notifying or reporting on findings or observations. Rather, it only teaches sending a

notification of task and/or action item assignments in connection with the meetings and reports module 14. The cited passage is unrelated to the audit management module 20.

Accordingly, claims 17 and 19 define patentably over the prior art, along with claims 20 and 21 depending from claim 19.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

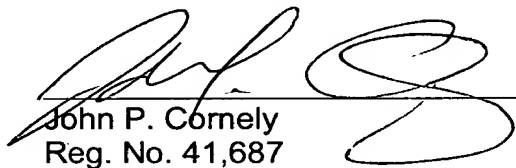
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone the under signed, at (216) 861-5582.

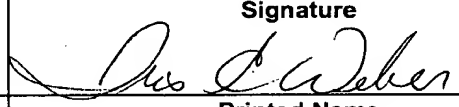
Respectfully submitted,

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March 21, 2005

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